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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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<input type="checkbox"/>	EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	08/828,022	SAFFARIAN, AMIR M.
	Examiner	Art Unit
	Jamara A. Franklin	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 January 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 19, 20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 19, 20, and 22-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) Interview Summary (PTO-413) Paper No(s) _____
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: _____

DETAILED ACTION

Acknowledgment is made of the receipt of the amendment filed on 01/09/01. Claims 19, 20, and 22-26 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19, 22, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foudos (US 4,053,735) in view of Clary.

Foudos discloses a pocket-size personal check encoder comprising: a keypad 42 having a plurality of keys operable to display the check amount from the user; a display 52 coupled to the keypad and operable to display the check amount entered by the user; and a check encoder coupled to the keypad and the display operable to receive the check amount from the keypad and encode the check amount (col. 4, lines 19-42).

Foudos fails to disclose that the encoded check amount is encoded in a machine readable format at a predetermined location on the check.

Clary teaches such claimed limitations (col. 2, lines 65-68; col. 3, lines 1-6; fig. 4). Clary discloses a check encoder having the capability of encoding the check amount in a machine readable format at a predetermined location on the check. In view of Clary's teachings, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Foudos' device so that it has the capability of encoding the check amount in a machine readable format at a predetermined location on the check. This would have been done with the purpose of expediting the processing of the check by a bank, since all the relevant information would be readily present on the check's surface.

3. Claims 20, 23, and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Foudos/Clary as applied to claim 19 above, and further in view of Yasui (US 5,583,783). The teachings of Foudos/Clary have been discussed above.

Foudos/Clary lack the teaching of a memory to store and recall a list of payee names and print a payee name in the payee field of the check.

Yasui teaches a checkwriter 1 which stores and recalls payee codes, inherently, within a memory. All payee codes are displayed on a template 7. The user selects the payee code of the entity to be paid and enters the code onto the keyboard so that the checkwriter 1 prints the corresponding name onto the payee field of the check (col. 5, lines 41-51 and col. 6, lines 17-20).

One of ordinary skill in the art would have readily recognized that storing the list of payees in a memory provides the user with a short-cut and time-saving method to printing the payees name in the payee field of the check. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Foudos/Clary with the method of storing and

recalling a list of payees and printing the payee name in the payee field of the check as taught by Yasui.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foudos/Clary as applied to claim 19 above, and further in view of Howard (US 4,635,219). The teachings of Foudos/Clary have been discussed above.

Foudos/Clary lack the teaching of an alphabetic amount and numeric amount check amount printed on the check.

Howard teaches a calculating, transaction writer and recording device 10 which prints the alphabetic check amount and numeric check amount onto a check via a printhead 34 (col. 5, lines 40-51).

One of ordinary skill in the art would have readily recognized that the standard bank check requires the alphabetic check amount and numeric check amount printed on the check. The aforementioned method of printing the amounts onto the check is beneficial since there is less of a chance that the amount field will be incomprehensible due to poor handwriting. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Foudos/Clary with the method of printing the alphabetic and numeric check amount onto the check.

Response to Arguments

5. Applicant's arguments filed 01/09/01 have been fully considered but they are not persuasive. Regarding Clary, the input received from the user results in a barcode being

printed onto the back of the check. This barcode is then optically read to receive and then print the check amount onto the face of the check (col. 5, lines 22-30). Thusly and as broadly recited, in view of claims 19 and 22, the check amount is printed in MICR format onto the face of the check in response to the input received from the user, albeit, indirectly.

6. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, regarding the argument that it would not have been obvious to combine the teachings of Foudos, Clary, and Yasui, knowledge generally available to one of ordinary skill in the art would have motivated one to replace the handwritten payee name on the check, as taught by Foudos and Clary, with the electronic method of printing the payee's name in the payee field of the check as taught by Yasui. Also, regarding the argument that it would not have been obvious to combine the teachings of Foudos, Clary, and Howard, knowledge generally available to one of ordinary skill in the art would have motivated one to

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (703) 305-0128. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703)308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Jamara A. Franklin
Examiner
Art Unit 2876

March 10, 2001


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800